

ATTORNEY'S DOCKET NUMBER: 0492479-0160 (MGH-0978-2D US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Fishman, Jay A., *et al.* Examiner: Carlson, Karen C.
Serial No.: 10/723,552 Art Unit: 1656
Filed: November 26, 2003 Conf. No.: 9739
Title: Molecular sequence of swine retrovirus and methods of use

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

NOTICE OF APPEAL UNDER 37 C.F.R. 1.191

Applicants hereby appeal to the Board of Appeals and Interferences in the United States Patent and Trademark Office from the Action dated February 14, 2008, finally rejecting claims 1, 8, 15-17 and 26 in the above-referenced case. A electronic payment of the \$510.00 fee under 37 C.F.R 1.17(b) is filed concurrently with this submission.

A Petition for three-month extension of time is being filed concurrently with this Notice of Appeal.

Please charge any other fees associated with this filing, or apply any credits, to our Deposit Account No. 03-1721 referencing attorney docket number 0492479-0160.

Respectfully submitted,

Choate, Hall & Stewart, LLP

Dated: August 14, 2008

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